

**ATTORNEY DOCKET NUMBER: 2006517-0009 (Bacterial Delivery DIV1)**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Caplan et al.  
Serial No.: 10/728,051  
Filing Date: December 4, 2003  
Title: MICROBIAL DELIVERY SYSTEM

Examiner: Huynh  
Art Unit: 1644

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**RESPONSE UNDER 37 C.F.R. § 1.111**

Responsive to the Office Action mailed January 31, 2007, Applicant respectfully requests entrance of the following Amendment and consideration of the following Remarks. The deadline for responding to the Office Action without fees was March 31, 2007. A three-month extension of time from March 31, 2007, up to and including July 31, 2007, was requested, and a Notice of Appeal was filed on Monday, July 30, 2007. Applicant thus submits that the Notice of Appeal was timely filed.

The deadline for filing an Appeal Brief without fees was September 30, 2007. A five-month extension of time from September 30, 2007, up to and including February 29, 2008, is hereby respectfully requested, and the extension fee of \$1,115.00 under 37 C.F.R. § 1.17(a) for a small entity is being paid via the U.S. Patent and Trademark Office's Electronic Filing System's credit card payment option. Applicant thus submits that the present Response and accompanying Request for Continued Examination is timely submitted on Friday, February 29, 2008.

Please amend the above-identified application as follows:

**Amendments to the Specification** begin on page 3 of this Response.

**Amendments to the Claims** begin on page 4 of this Response.

**Amendments to the Drawing** begin on page 6 of this Response.

**Remarks** begin on page 7 of this Response.

An **Appendix** including a Marked-up Copy of the Specification, a Clean Copy of the Substitute Specification, a Text Version of Sequence Listing, a Statement under 37 C.F.R. § 1.57(f), Replacement Sheets, and USPTO Search Results is attached following page 14 of this paper.